



## Regulation and Planning: Practices, Institutions, Agency

Edited by Yvonne Rydin, Robert Beauregard, Marco Cremaschi and Laura Lieto, New York, Routledge, 2022, 234 pages, £27.99 (paperback), ISBN 9780367559557

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## BOOK REVIEW

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Regulation is an indispensable part of planning – it is a vital element in the implementation of visions and other planning measures. In their edited book, Yvonne Rydin, Robert Beauregard, Marco Cremaschi, and Laura Lieto, discuss the role of regulation within planning. After their introduction, in which different perspectives on regulation within planning are identified, a collection of fifteen chapters, all by different authors, are loosely grouped together under the headings ‘Varieties of Regulation’ (part 1), ‘Practices of Regulation’ (part 2), and ‘Beyond Regulation’ (part 3).

The intent of this collection is to take issue with the mechanistic (welfare economic) view of regulation as correcting market failures such as externalities, public goods, and coordination problems. Planners are not merely the implementers and executioners of predetermined, exogenous legal obligations. They have discretionary power over the interpretation and production of rules. Chapter 8 of the book, for instance, describes how brownfield land is ‘created’ by the way local planners apply – sometimes (over)stretching – the brownfield label to local plots and thereby turning them into land that is ‘unquestionably’ suitable for housebuilding.

As ‘reflective practitioners’, in the words of Donald Schön, planners make practical situational judgments that shape the way people and things are regulated. This implies that regulation is closely entangled with other core activities of planning, such as data analysis, public engagement, plan-making, and visioning. The book emphasizes that planners do not carry out those activities in a vacuum and entirely voluntaristically. They are part of, and embedded within, networks of actors and material objects that together co-constitute the way rules are made and implemented. Power plays a key role in such networks: the ‘regulatory process is infused with power’ (p. 42). Chapter 3, for instance, provides an interesting account of ‘malleable [land-use] categorization’ by showing how a powerful global tech giant such as Apple has been able to put pressure on Stockholm’s planning agency to change – ultimately unsuccessfully – the designation of a plot located in the city’s most popular park into one that accommodates the erection of a flagship store.

This volume provides the reader with interesting ingredients – particularly some interesting cases that reveal the practical, crafty, occasionally opportunistic, and sometimes even ugly ways in which rules are made in practice. Chapter 6, for instance, shows the day-to-day labor and craftsmanship of planners in brokering and translating planning law, while Chapter 2 shows how the construction industry has been able to pressure planners and lawyers to establishing more relaxed rules around what constitutes ‘permitted development’ (in England), with lower-quality housing as a result. Perhaps examples such as the latter allegedly led Otto von Bismarck to remark that ‘laws are like sausages. It’s better not to see them being made’.

Notwithstanding interesting ingredients, in its entirety, the book provides a slightly unsatisfactory meal. The book suffers from limited overall coherence in terms of content and structure. More importantly, my dissatisfaction has to do with 1) how the book is (not) positioned and embedded in the literature, and 2) its (narrow) view on the role of law within society.

First, although the book links planning and regulation, it hardly engages with, nor refers to, the literature on planning, law, and property rights by scholars such as Rachele Alterman, Harvey Jacobs, Stefano Moroni, Ernest Alexander, Eran Ben-Joseph, Philip Booth, and Barrie Needham. The same applies to the libraries of legal philosophy, law and economics, and the sociology of law; the book is virtually silent about the vast body of knowledge that conceptualizes and reflects upon the role of law within society. It does occasionally refer and relate to a subfield of human geography called legal geography and joins its main spokespeople by advocating consideration for ‘materiality’, that is, for ‘geographic conditions, including place, time, space, and scale’ (p. 69). But it is unclear how this is different from other positions, such as, for example, Szold and Ben-Joseph express in *Regulating Place* (2005). In my view, the book could have benefited from more contextualization.

Second, this book focuses mainly on regulation’s instrumental value, on regulation as a ‘tool’ for realizing aspirations, as has been captured by the last sentence of the book: ‘planning regulation is where strategy matters, where the role of the planner is always of consequence, and where the aspirations of planning can be realized with thoughtful and politically informed collaborative action’ (p. 214). The editors have in common this instrumental focus with the position they aim to criticize, i.e. the welfare economic view of regulation as a means to correcting market failures. However, both views neglect the other value of regulation, that of protecting citizens and society against arbitrary, partial, unpredictable, and even fraudulent actions by the state – originally the sovereign – and by planners (!) in the pursuit of their aspirations. In liberal democratic countries, upholding and defending the rule of law is, or should be, a key (and precious) task for public officials, including planners.

## Reference

Szold, T. S., and E. Ben-Joseph. 2005. *Regulating Place. Standards and the Shaping of Urban America*. New York: Routledge.

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